

# EXHIBIT 1

Proposed Consent Dismissal Order for  
*Temple and Sellers*

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND COMPOUNDING )  
PHARMACY, INC. PRODUCTS LIABILITY )  
LITIGATION )

MDL No. 2419  
Dkt. No 1:13-md-2419 (RWZ)

THIS DOCUMENT RELATES TO: )

*Sellers v. Ameridose, et al.*, )  
Case No. 1:13-cv-12620 )

*Temple v. Ameridose, et al.*, )  
Case No. 1:13-cv-12696 )

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**CONSENT DISMISSAL ORDER**

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The Plaintiffs in the actions listed in Exhibit A hereto, (hereinafter “Nashville Plaintiffs”) by counsel, and Defendants Saint Thomas Outpatient Neurosurgical Center, LLC; Howell Allen Clinic, a Professional Corporation; John Culclasure, MD; and Debra Schamberg, RN, (collectively “STOPNC Defendants”) by counsel, and Defendants Saint Thomas West Hospital, formerly known as St. Thomas Hospital; Saint Thomas Network; Saint Thomas Health; Ascension Health, and Ascension Health Alliance, (collectively “Saint Thomas Defendants”) by counsel, (collectively with the STOPNC Defendants, the “Nashville Health Care Defendants”), jointly request that the Court enter an order dismissing all of the cases listed on Exhibit A (“the Nashville Actions”) with prejudice.

Based upon the agreement of the parties, the Court finds as follows:

A. The Nashville Plaintiffs identified in Exhibit A have agreed to dismiss their respective claims and the separate actions listed on Exhibit A with prejudice.

B. The Nashville Health Care Defendants likewise desire and consent to the dismissal, with prejudice, of the cases identified in Exhibit A.

C. The only current claims pending in the cases identified in Exhibit A are the Plaintiffs' claims against the Nashville Health Care Defendants. The Court previously dismissed all claims against the other Defendants.

D. This order is not intended to, nor shall it, affect this Court's jurisdiction as contemplated in the parties' confidential settlement agreement.

E. It is proper to dismiss all such claims under Rule 41(a).

IT IS THEREFORE, ADJUDGED, ORDERED and DECREED that:

1. The Nashville Plaintiffs' claims and the Nashville Actions, as listed in Exhibit A, are dismissed with prejudice.

2. The clerk shall e-file a copy of this order in each of the cases listed in Exhibit A. Dismissal of an individual case shall be effective as of the date this order is e-filed in the individual docket. The clerk shall treat the e-filing of this order in the individual dockets as if filed by the Court.

3. All parties to the Nashville Actions shall bear their own costs.

IT IS SO ORDERED.

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DATE

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RYA W. ZOBEL  
UNITED STATES DISTRICT JUDGE

**Exhibit A – Nashville Actions Being Dismissed**

1. Sellers v. Ameridose, *et al.*, Case No. 1:13-cv-12620
2. Temple v. Ameridose, *et al.*, Case No. 1:13-cv-12696